

**SUPREME COURT CALENDAR
SAN FRANCISCO SESSION
MARCH 6 and 7, 2001**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California, on March 6 and 7, 2001.

TUESDAY, MARCH 6, 2001—9:00 A.M.

- (1) S083466 Merrill v. Navegar Inc.
- (2) S083934 Blue Ridge Insurance v. Jacobsen
- (3) S076061 Comedy III Productions v. Gary Saderup, Inc.

1:30 P.M.

- (4) S085852 Price v. Superior Court, County of Riverside; People
- (5) S004727 People v. Mauricio Rodriguez Silva [*Automatic Appeal*]

WEDNESDAY, MARCH 7, 2001—9:00 A.M.

- (6) S077219 Griset v. Fair Political Practices Commission
- (7) S085091 Hoechst Celanese v. Franchise Tax Board
- (8) S085736 Saelzler v. Advanced Group 400

1:30 P.M.

- (9) S081934 People v. Garcia
- (10) S020378 People v. James Phillip Anderson [*Automatic Appeal*]

GEORGE

Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 10(d), California Rules of Court.

**SUPREME COURT CALENDAR
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, MARCH 6, 2001—9 A.M.

(1) Merrill v. Navegar Inc., S083466

#00-08 Merrill v. Navegar Inc., S083466. (A079863; 75 Cal.App.4th 500.)

Petition for review after the Court of Appeal affirmed in part and reversed in part a summary judgment in a civil action. This case concerns (1) whether the manufacturer and marketer of a firearm owes members of the public a duty to use reasonable care to avoid injuries and deaths from the foreseeable use of the firearm in criminal violence, and (2) whether the record presents a triable issue of fact whether defendant's alleged negligent marketing of the firearm was a substantial factor causing plaintiffs' injuries.

(2) Blue Ridge Insurance v. Jacobsen, S083934

#00-07 Blue Ridge Insurance v. Jacobsen, S083934. (9th Cir. No. 98-55052; 147 F.3d 1008.) Request by the United States Court of Appeals for the Ninth Circuit for the answer to a certified question of state law pursuant to rule 29.5 of the California Rules of Court. The certified question, as posed by the Ninth Circuit and accepted by the California Supreme Court, states: "Whether an insurer defending a personal injury suit under a reservation of rights may recover settlement payments made over the objection of the insured when it is later determined that the underlying claims are not covered under the policy."

(3) Comedy III Productions v. Gary Saderup, Inc., S076061

#99-41 Comedy III Productions v. Gary Saderup, Inc., S076061. (B120382; 68 Cal.App.4th 744.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case concerns (1) whether the imposition of liability for unauthorized use of the likeness of a deceased person (Civ. Code, § 3344.1) applies only to the use of such likeness in advertising, and (2) whether defendant's use of drawings of the Three Stooges on tee shirts and posters is protected by the free speech clause of the First Amendment so as to prevail over section 3344.1.

1:30 P.M.

(4) Price v. Superior Court, County of Riverside; People, S085852

#00-47 Price v. Superior Court, County of Riverside; People, S085852. (E024710; 77 Cal.App.4th 853.) Petition for review after the Court of Appeal denied a petition for writ of mandate or prohibition. This case concerns whether Penal Code section 784.7, which provides that a defendant who is charged with having committed multiple sex offenses against the same victim in different counties may be tried on all charges in any county in which any of the offenses was committed, violates a defendant's constitutional right to a jury drawn from the vicinage.

(5) People v. Mauricio Rodriguez Silva, S004727 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, MARCH 7, 2001—9:00 A.M.

(6) Griset v. Fair Political Practices Commission, S077219

#99-62 Griset v. Fair Political Practices Commission, S077219. (G018853; 69 Cal.App.4th 818.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for declaratory and injunctive relief. This case generally involves the validity of Government Code section 84305, which requires candidates or groups supporting or opposing a candidate to identify themselves on any mass mailings, and presents two issues: (1) Did the initial appeal in this matter (*Griset v. Fair Political Practices Com.* (1994) 8 Cal.4th 861, cert. den. (1995) 514 U.S. 1083 (*Griset I*)) constitute a final determination of all claims in this proceeding? (2) Does the United States Supreme Court decision in *McIntyre v. Ohio Elections Comm’n* (1995) 514 U.S. 334 conflict with *Griset I* and render section 84305 unconstitutional on its face?

(7) Hoechst Celanese v. Franchise Tax Board, S085091

#00-19 Hoechst Celanese v. Franchise Tax Board, S085091. (C030702; 76 Cal.App.4th 914.) Petition for review after the Court of Appeal reversed the judgment in an action for refund of taxes. The case concerns this issue: When a multistate corporation amends its pension plan so that appreciated funds that exceed the amount necessary to cover its pension liabilities revert to the corporation, is the income obtained by the corporation “business income” (which is apportioned among, and taxable by, all jurisdictions in which the company does business) or “nonbusiness income” (which is allocated to, and taxable by, only the state in which the corporation is domiciled)? (See Rev. & Tax. Code, § 25120(a), (b).)

(8) Saelzler v. Advanced Group 400, S085736

#00-37 Saelzler v. Advanced Group 400, S085736. (B125896; 77 Cal.App.4th 1001.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case concerns (1) whether the Court of Appeal applied the

proper standard in determining that evidence that a property owner failed to provide security measures created a triable issue as to whether such failure was a contributing cause of an injury sustained as a result of a crime committed on the premises, and (2) whether a plaintiff may prove the required element of causation through expert testimony that the presence of proper security measures would have substantially reduced the probability that the crime would occur.

1:30 P.M.

(9) People v. Garcia, S081934

#99-180 People v. Garcia, S081934. (A080076; 73 Cal.App.4th 1099.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents issues including whether knowledge of the duty to register is an element of the crime of failure to register as a sex offender. (See Pen. Code, § 290.)

(10) People v. James Phillip Anderson, S020378 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.